

**File #:** **M29103**

**Owner's Name:** F.E.B. CORP.

**Applicant:** F.E.B. CORP.

**Agent:** Trepanier & Associates, Inc.

**Type of Application:** FLUM

**Key:** Wisteria

**RE:** 000123950-000000

# **Additional Information added to File M29103**

County of Monroe  
Growth Management Division

Office of the Director  
2798 Overseas Highway  
Suite #400  
Marathon, FL 33050  
Voice: (305) 289-2517  
FAX: (305) 289-2854



*We strive to be caring, professional and fair*

Board of County Commissioners

Mayor George Neugent, Dist. 2  
Mayor Pro Tem Sylvia J. Murphy, Dist. 5  
Kim Wigington, Dist. 1  
Heather Carruthers, Dist. 3  
Mario Di Gennaro, Dist. 4

Date: 11/25/09

Dear Applicant:

This is to acknowledge submittal of your application for F10M  
Type of application

Wisteria Island to the Monroe County Planning Department.  
Project / Name

Thank you.

Julie Thomson  
Planning Staff

TRANSMITTAL LETTER

TREPANIER



ASSOCIATES INC.  
LAND USE PLANNING  
DEVELOPMENT • CONSULTING  
305-293-8983



PROJECT: C 118

TO: Mo. Co. Planning

PROJECT NO: C 118

DATE: 11/23/09

ATTN: Mitch Harvey

☐ Acknowledge receipt of enclosures.

WE TRANSMIT:

- ☒ herewith ☐ under separate cover via \_\_\_\_\_  
☐ in accordance with your request \_\_\_\_\_

FOR YOUR:

- ☐ approval ☐ distribution to parties ☐ information  
☒ review & comment ☐ record  
☐ use \_\_\_\_\_

THE FOLLOWING:

- ☒ Application ☐ Records ☐ Regulations  
☐ Development Analysis  
☐ Change Order

Item Description	Copies	Notes
FLUM Designation Application	1	ORIGINAL
Application Fee \$5,799.00	1	
Full size Signed & Sealed Survey	1	

REMARKS Please see attach FLUM Designation application we hope this can move forward w/ the 1st Comp Plan transmittal of 2010. Please Call with any questions. Thanks a lot! Owen.

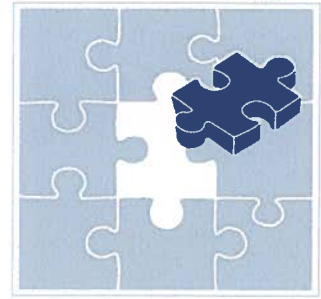
Submitted by: OST

11/23/09

Mr. Mitch Harvey, AICP, Comprehensive Planning Manager  
Monroe County Planning Department  
2798 Overseas Highway  
Marathon, FL 33050

**Re: Wisteria (RE No. 00123950-000000)**  
**Application for a Future Land Use Designation**

TREPANIER



& ASSOCIATES INC

LAND USE PLANNING  
DEVELOPMENT CONSULTANTS

Dear Mitch:

Enclosed are a Future Land Use Designation Application and an Application Narrative for Wisteria. As we have discussed, Wisteria is a man-made spoil island created in the late 1800's as a dumping ground for abandoned vessels and dredging material. Notwithstanding the owners' attempts to prevent it, the property has continued to serve primarily as an illegal dumping ground. The property has long been used for the related upland activities associated with the illegally moored vessels surrounding the property; including boat repairs, cleaning, bottom painting, dumping of trash and debris, dog walking, cooking, camping, etc. Squatters have also long inhabited the property contributing to an extensive history of criminal activity.

Wisteria and its surrounds has been identified by Monroe County as the apparent "largest and most problematic anchorage in the Keys" and found that "this enormous anchorage grounds is truly out of hand. The area is in dire need of management and enforcement of regulations."<sup>1</sup>

The problems identified by the County in 2002 came as no surprise to the property owners. They are currently discussing the development of a mooring field in this location to address the problems. Monroe County has been invited to participate in the FWC Mooring Field Pilot Project Program and the Wisteria Island mooring field would be developed in conjunction with the County application. During the preparatory process we discovered Wisteria has no future land use designation. The lack of designation puts Wisteria in direct conflict with Rule 9J-5 which requires all lands in Areas of Critical State Concern to be designated with a future land use.

As you will see from the attached application and application narrative, the proposed FLUM designation is compatible with, yet significantly less intense than, the surrounding land uses.

In order to quickly and effectively deal with the issues surrounding Wisteria, we seek to be part of the January amendment transmittal. Please do not hesitate to call if you have any questions or need any additional information.

Sincerely,

Owen Trepanier

<sup>1</sup> Keys-Wide Mooring Field System, Prepared by the Monroe County Department of Marine Resources, July 30, 2002

**End of Additional File M29103**

**REQUEST FOR FUTURE LAND USE MAP (FLUM)  
AMENDMENT APPLICATION**



**MONROE COUNTY  
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**

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**An application must be deemed complete and in compliance with the Monroe County Code by the Staff  
prior to the item being scheduled for review**

Amendment to Future Land Use Map Application Fee: \$5,531.00

*In addition to the above application fees, the following fees also apply to each application:*

Advertising Costs: \$245.00

Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed

Technology Fee: \$20.00

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**Date** 11 / 02 / 09  
Month Day Year

**Property Owner:**

F.E.B. Corp- A Florida Corporation  
Name

P.O. Box 2455, Key West, FL 33041-2455

Mailing Address

305-442-0831

Daytime Phone

Email Address

**Agent (if applicable):**

Trepanier & Associates, Inc.  
Name

P.O. Box 2155 Key West, FL 33045-2455

Mailing Address

305-293-8983

Daytime Phone

Owen@OwenTrepanier.com

Email Address

**Legal Description of Property:**

(If in metes and bounds, attach legal description on separate sheet)

<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>Wisteria</u>
<u>Block</u>	<u>Lot</u>	<u>Subdivision</u>	<u>Key</u>
<u>00123950-000000</u>		<u>1158089</u>	
<u>Real Estate (RE) Number</u>		<u>Alternate Key Number</u>	
<u>NA</u>		<u>0</u>	
<u>Street Address</u>		<u>Approximate Mile Marker</u>	

**REQUEST FOR FUTURE LAND USE MAP (FLUM)  
AMENDMENT APPLICATION**

**Current Future Land Use Map Designation(s):** This property does not currently have a designation.

**Proposed Future Land Use Map Designation(s):** Mixed Use- Commercial

**Current Land Use District Designation(s):** Currently, there is no zoning designated by the adopted zoning maps.

**Tier Designation(s):** Currently, there is no TIER designated by the adopted TIER maps.

**Total Land Area Affected in acres:** Approximately 22

**Existing Use of the Property** (If the property is developed, please describe the existing use of the property, including the number and type of any residential units and the amount and type of any commercial development):

Wisteria is man-made spoil created in the late 1800's as a dumping ground for abandoned vessels and dredging material. Notwithstanding the owners' attempts to prevent it, the property has continued to serve as an illegal dumping ground. The property has long been used for the related upland activities associated with the illegally moored vessels surrounding the property. Boat repairs, cleaning, bottom painting, dumping of trash and debris, dog walking, cooking, camping, etc. Squatters have also long inhabited the property resulting in an extensive history of criminal activity.

**In accordance with Sec. 102-158, the BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):**

- 1) Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based:**

The projections upon which the map was based have changed due to the recognition that this piece of privately owned land within the County's only federally recognized deep water Port and urban area was neglected during the mapping process and has no FLUM designation as a result.

- 2) Changed assumptions (e.g., regarding demographic trends):**

NA- No changed assumptions.

- 3) Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan:**

A mapping error occurred when the current FLUM maps were created. As depicted in the attached FLUM map for this area, Wisteria is the only property in unincorporated Monroe County missing a FLUM designation on map panel 8.

It is clearly an oversight considering all other land on this panel is FLUM'd with various designations. Even the very "insignificant" public lands and mangrove islands located far from US 1 contain various FLUM designations, but this significant place of privately owned land adjacent and within very intense area of land use was neglected to be FLUM'd.



**REQUEST FOR FUTURE LAND USE MAP (FLUM)  
AMENDMENT APPLICATION**

**4) New issues:**

The subject parcel has been associated with an urbanized deep water port since it was created in the association with the port in the late 1800's. The adjacent property was converted from military land use designation to a mixed use designation in 1993. Thus, the closest property to the subject property has undergone a significant change in actual land use and land use designation creating a significant new issue pursuant to MCC Sec. 102-158(d) (5) (4).

**5) Recognition of a need for additional detail or comprehensiveness:**

There is an obvious need for additional detail and comprehensiveness on the existing FLUM Panel No. 9 based on the fact that this significant piece of privately owned land was overlooked in the last mapping process. The error is evident by the fact that all other lands located in unincorporated Monroe County on Panel No. 9 are variously FLUM'd regardless of their significance relative to US 1, habitat value, size, area of upland, etc.

As mentioned above, the fact that this property has no FLUM designation requires a data update to the existing FLUM Panel No. 8.

**In no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located. Please describe how the FLUM amendment would not result in an adverse community change (attach additional sheets if necessary):**

No negative impacts have been identified as a result of the proposed FLUM designation. The designation itself effects no changes on the ground. However, as a result of the change, uses can occur which all will require best management protections, invasive exotic eradication, landscaping and vegetative buffering, wetland protection, solid waste and sewerage handling.

**Has a previous FLUM application been submitted for this site within the past two years?**

Yes \_\_\_\_\_ Date: \_\_\_\_\_  
No   x  

**All of the following must be submitted in order to have a complete application submittal:**  
(Please check as you attach each required item to the application)

- ☒ **Complete Future Land Use Map (FLUM) amendment application (unaltered and unbound); and**
- ☒ **Correct fee (check or money order to Monroe County Planning & Environmental Resources); and**
- ☒ **Proof of ownership (i.e. Warranty Deed); and**
- ☒ **Current Property Record Card(s) from the Monroe County Property Appraiser; and**
- ☒ **Location map from Monroe County Property Appraiser; and**
- ☒ **Copy of Future Land Use Map (please request from the Planning & Environmental Resources Department prior to application submittal); and**
- ☒ **Copy of Current Land Use District Map (please request from the Planning & Environmental Resources Department prior to application submittal);**
- ☒ **Photograph(s) of site from adjacent roadway(s);**

**REQUEST FOR FUTURE LAND USE MAP (FLUM)  
AMENDMENT APPLICATION**

- ☒ **300 foot radius map from Monroe County Property Appraiser Office**
- ☒ **List of surrounding property owners from 300 foot radius map**
- ☒ **Typed name and address mailing labels of all property owners within a 300 foot radius of the property (two (2) sets).** This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included, and
- ☒ **Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – sixteen (16) sets (at a minimum survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage marked with land use district; and total acreage shown with vegetative habitat).**

**If applicable, the following must be submitted in order to have a complete application submittal:**

- ☒ **Notarized Agent Authorization Letter** (note: authorization is needed from all owner(s) of the subject property)
- ☒ **Any other Monroe County documents including Letters of Understanding pertaining to the proposed Future Land Use Map amendment**

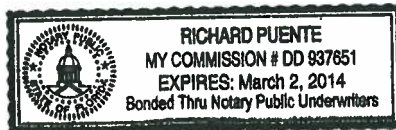
**If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.**

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Sworn before me this 23 day of November



Richard Puente  
Notary Public  
My Commission Expires

Please send or deliver the complete application package to:  
Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050.

This Indenture, in this 26<sup>th</sup> day of JANUARY  
BETWEEN WISTERIA ISLAND, INC.,

A. D. 1967.

a corporation  
existing under the laws of the State of Florida, having its principal place of  
business in the County of Monroe and State of Florida,  
and lawfully authorized to transact business in the State of Florida, party of the first part, and  
FEB CORPORATION, a Florida corporation, 1526 Washington St.,  
Key West, Florida,  
a corporation existing under the laws of the State of Florida, having its  
principal place of business in the County of Monroe and State of Florida,  
and lawfully authorized to transact business in the State of Florida, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of  
TEN DOLLARS and other good and valuable considerations ~~HEREIN~~  
in it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged,  
has granted, bargained and sold to the said party of the second part, its successors and assigns forever,  
the following described land situate, lying and being in the County of Monroe

and State of Florida, to-wit:

A parcel of Bay Bottom Land and Spoil Area Northwest of  
the Island of Key West, Florida, and more particularly  
described as follows:  
Commencing at the Northwesterly end of Simonton Street  
at the intersection of the Southwesterly right-of-way  
line of Simonton Street and the waters of the Bay of  
Florida, run North 60° West for a distance of 2,150 feet,  
more or less, to the point of beginning of the property  
hereinafter described. From said point of beginning,  
continue North 60° West for a distance of 1,000 feet;  
thence run North 30° East for a distance of 1,700 feet;  
thence run South 60° East for a distance of 1,000 feet;  
thence run South 30° West for a distance of 1,700 feet  
back to the point of beginning.

Subject to conditions, restrictions, easements and limitations  
of record.

Subject to taxes for the year 1966 and subsequent years.

Subject to a purchase money mortgage.

Subject to those certain reservations unto the Trustees of  
the Internal Improvement Fund as reserved in deed filed for  
record March 15th, 1956, in Official Record Book 58, Page 24,  
Public Records of Monroe County, Florida

And the said party of the first part does hereby fully warrant the title to said land, and will defend the  
same against the lawful claims of all persons whomsoever.

FILED FOR RECORD  
1967 FEB-2 AM 11:08  
R. J. JOHNS, CLERK OF CIR.  
MONROE COUNTY, FLORIDA

WISTERIA ISLAND, INC.

Attest: Jack A. Davis,

Secretary.

By

~~6/17/21-22~~  
Amaryk Aldo.

**President.**

Signed, sealed and delivered in the presence of us:

State of Florida,

County of            MONROE

I Hereby Certify, that on this 26<sup>th</sup> day of January  
A. D. 19 , before me personally appeared AMARYK ALDO

**end**

JACK A. DAVIS,

President and Secretary respectively of

WISTERIA ISLAND, INC.,

, a corporation under the laws of

the State of Florida, to me known to be the persons who signed the foregoing instrument as such officers and severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that they affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

Witness my hand and official seal at Tucuman

In the County of Monroe  
the day and year last aforesaid. /

and State of

Florida

the day and year last aforesaid.

*Kenneth Smith*

**Ans.**  $\frac{1}{2}$  Sol.

145520

Recorded in Official Record Book  
Harris County, Texas  
EAST R. ADAMS  
CLERK OF CIRCUIT COURT  
RECORDED

NY COMMISSION EXPIRES FEB. 17, 1963  
BONDS THROUGH FEB. 15, 1963



854561



but quiet

Receiving	3.25
Side Stamp	445.00
Fed Stamp	176.10
Total	<u>638.75</u>

0251



526 PAGE 432

14751

STATE OF FLORIDA  
BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND

DEED NO. 24678 (1975-44)

FILED IN RECORD  
1975 JAN 25  
X  
JAN 25 1975  
JAN 25 1975

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, the State of Florida Board of Trustees of the Internal Improvement Trust Fund, under authority of law, for and in consideration of the sum of FORTY ONE THOUSAND NINE HUNDRED ONE AND 60/100ths (\$41,901.60) DOLLARS, to it in hand paid, has granted, bargained and sold, and does by these presents grant, bargain, sell and convey, unto F.E.B. CORPORATION of the County of Monroe, State of Florida, and its successors, heirs and assigns, the following described lands, to-wit:

A tract of submerged land in the Bay of Florida in Township 67 South, Range 25 East, lying Northwest of the Island of Key West, Monroe County, Florida; being more particularly described as follows by metes and bounds, said description containing coordinates and grid bearing based upon the Standard Plane Rectangular Coordinate System for the East Zone of Florida:

Commencing at the Northeast corner of land described in T.I.I.F. Deed No. 19974 and known as "Wisteria Island", said point also being (X=231,226.04' and Y=86,178.97'); thence from said Point of Beginning, run North 30° 00' 00" East, 1,315 feet to a point of curve, said point also being (X=231,883.54' and Y=87,317.79'); thence run Northerly and Northwesterly along a curve, concave to the Southwest, (said curve having a Long Chord bearing of North 32° 48' 00" West, a central angle of 55° 00' 00" and a radius of 3,310 feet) an arc distance of 3,177.38 feet to the end of said curve, said point also being (X=230,227.66' and Y=89,887.22'); thence run South 39° 22' 00" West, 1,983.43 feet to a point, said point also being (X=228,969.61' and Y=88,353.82'); thence run South 62° 52' 00" West, 459.97 feet to a point, said point also being (X=228,560.26' and Y=88,144.04'); thence run South 27° 08' 00" East, 200 feet to a point, said point also being (X=228,651.47' and Y=87,966.05'); thence run North 62° 52' 00" East, 700 feet to a point of curve, said point also being (X=229,274.43' and Y=88,285.29'); thence from said point of curve run Northeasterly and Southeasterly along a curve, (said curve having a central angle of 90° and a radius of 400 feet) and arc distance of 628.32 feet to the end of said curve, said point also being (X=229,812.84' and Y=88,111.75'); thence run South 27° 08' 00" East, 1,218.87 feet to a point of curve, said point also being (X=230,368.72' and Y=87,027.02'); thence from said point of curve run Southeasterly and Southwesterly along a curve, (said curve having a central angle of 57° 08' 00" and a radius of 364.05 feet) an arc distance of 363.02 feet to the end of said curve and the Northwesterly corner of land described in said T.I.I.F. Deed No. 19974, said point also being (X=230,360.01' and Y=86,678.97'), thence run South 60° 00' 00" East, along the Northerly line of said land described in T.I.I.F. Deed No. 19974, a distance of 1,000 feet back to the Point of Beginning;

LEGAL DESCRIPTION APPROVED  
AND  
THIS INSTRUMENT WAS PREPARED BY  
JOHN DUBOSE  
ELLIOT BUREAU  
TALLAHASSEE, FLORIDA 32304

50011

(ABSTRACT) NO.

(CONTINUED)

19  
page 000008

526 PAGE 433

containing 125.05 acres more or less, and lying and being in the County of Monroe, in said State of Florida.

TO HAVE AND TO HOLD the above granted and described premises forever.

SAVING AND RESERVING unto the said Stat. . . Florida Board of Trustees of the Internal Improvement Trust Fund and its successors, an undivided three-fourths interest in, and title in and to, an undivided three-fourths interest in all the phosphate, minerals and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same.

IN TESTIMONY WHEREOF, the members of the State of Florida Board of Trustees of the Internal Improvement Trust Fund have hereunto subscribed their names and have caused the official seal of said State of Florida Board of Trustees of the Internal Improvement Trust Fund to be hereunto affixed, in the City of Tallahassee, Florida, on this the 15th day of December, A.D., 1972.

(SEAL)  
STATE OF FLORIDA BOARD  
OF TRUSTEES OF THE  
INTERNAL IMPROVEMENT  
TRUST FUND

*Richard L. Cohen*  
GOVERNOR

*Richard D. Stone*  
SECRETARY OF STATE

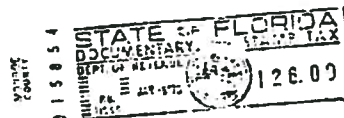
*Robert S. DeLoach*  
ATTORNEY GENERAL

*Frederick D. Dinsmore*  
COMPTROLLER

*Thomas W. Smalley*  
TREASURER

*David T. Christian*  
COMMISSIONER OF EDUCATION

*John C. Comer*  
COMMISSIONER OF AGRICULTURE



As and Constituting the  
STATE OF FLORIDA BOARD OF TRUSTEES OF  
THE INTERNAL IMPROVEMENT TRUST FUND

14751

Deed No. 24678 (1975-44) 50011

RECORDED IN OFFICIAL RECORD BOOK  
MONROE COUNTY, FLORIDA  
PAGE 200009

page 200009

# Monroe County Property Record Card (133)

Alternate Key: 1158089 Roll Year 2010  
Effective Date: 11/2/2009 9:11:54 AM Run: 11/02/2009 09:12 AM

FEB CORP  
PO BOX 2455  
KEY WEST FL 33041-2455

Parcel 00123950-000000-36-67-24 Nbhd 670  
Alt Key 1158089 Mill Group 5000  
Affordable Housing No PC 9900  
FEMA Injunction ALL  
Inspect Date Next Review  
Business Name  
Physical Addr ISLAND, WISTERIA ISLAND, OFFSHORE ISLANDS

Associated Names

Name	DBA	Role
FEB CORP,		Owner

Legal Description  
WISTERIA ISLAND & ADJ BAY BTM OR385-897-898

Land Data 1.																
Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
17891	000W	0	0	No	23.41	AC	0.00		1.00	1.00	1.00	1.00		N		
17892	9500	0	0	No	15.59	AC	0.00		1.00	1.00	1.00	1.00		N		
Total Just Value																

Appraiser Notes  
LAND REVIEW FOR 09TR; LAND OVER 10 AC. AND ZONED OS = 000W LAND LINE. ISLAND ON FEMA LIST (DEVALUED), NL108  
2007-02-02- THE LIGHHOUSE TENDER WISTERIA WAS ABANDONED ON THE ISLAND THAT BEARS ITS NAME WAS SOLD TO BEM BERNSTEIN IN 1967 FOR \$155,000-SKI  
2007-04-19-SKI-THE CITY IS LOOKING TO ANNEX THIS ISLAND

# Monroe County Property Record Card <sup>(133)</sup>

Alternate Key: 1158089

Roll Year 2010

Effective Date: 11/2/2009 9:11:54 AM Run: 11/02/2009 09:12 AM

## Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2009F	C	141,395	0	0	0	141,395	141,395	0	N	141,395
2008F	C	141,395	0	0	0	141,395	141,395	0	N	141,395
2007F	C	235,659	0	0	0	235,659	235,659	0	N	235,659
2006F	C	235,659	0	0	0	235,659	235,659	0	N	235,659
2005F	C	235,659	0	0	0	235,659	235,659	0	N	235,659
2004F	C	235,659	0	0	0	235,659	235,659	0	N	235,659
2003F	C	235,659	0	0	0	235,659	235,659	0	N	235,659
2002F	C	235,659	0	0	0	235,659	235,659	0		235,659
2001F	C	235,659	0	0	0	235,659	235,659	0		235,659
2000F	C	235,659	0	0	0	235,659	235,659	0		235,659
1999F	C	235,659	0	0	0	235,659	235,659	0		235,659
1998F	C	235,659	0	0	0	235,659	235,659	0		235,659
1997F	C	235,659	0	0	0	235,659	235,659	0		235,659
1996F	C	235,659	0	0	0	235,659	235,659	0		235,659
1995F	C	235,659	0	0	0	235,659	235,659	0		235,659
1994F	C	235,659	0	0	0	235,659	235,659	0		235,659
1993F	C	235,659	0	0	0	235,659	235,659	0		235,659
1992F	C	235,659	0	0	0	235,659	235,659	0		235,659
1991F	C	235,659	0	0	0	235,659	235,659	0		235,659
1990F	C	235,659	0	0	0	235,659	235,659	0		235,659
1989F	C	235,659	0	0	0	235,659	235,659	0		235,659
1988F	C	235,659	0	0	0	235,659	235,659	0		235,659
1987F	C	697,343	0	0	0	697,343	697,343	0		697,343
1986F	C	697,343	0	0	0	697,343	697,343	0		697,343
1985F	C	697,343	0	0	0	697,343	697,343	0		697,343
1984F	C	697,343	0	0	0	697,343	697,343	0		697,343
1983F	C	697,343	0	0	0	697,343	697,343	0		697,343
1982F	C	633,949	0	0	0	633,949	633,949	0		633,949



# Monroe County Property Record Card (023)

Alternate Key: 1158097 Roll Year 2010  
Effective Date: 11/9/2009 8:34:17 AM Run: 11/09/2009 08:34 AM

FEB CORP  
P O BOX 2455  
KEY WEST FL 33040

Parcel 00123960-000000-36-67-24 Nbhhd 670  
Alt Key 1158097 Mill Group 5000  
Affordable Housing No PC 9500  
FEMA Injunction ALL  
Inspect Date Next Review  
Business Name  
Physical Addr VACANT LAND, OFFSHORE ISLANDS

## Associated Names

Name	DBA	Role
FEB CORP,		Owner

## Legal Description

BAY BOTTOM ADJ TO WISTERIA ISLAND II DEED 24678 OR526-432

## Land Data 1.

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
17893	9500	0	0	Yes	125.05	AC	0.00		1.00	1.00	1.00	1.00		N		
Total Just Value																

# Monroe County Property Record Card (023)

Alternate Key: 1158097 Roll Year 2010  
Effective Date: 11/9/2009 8:34:17 AM Run: 11/09/2009 08:34 AM

## Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2009F	C	12,505	0	0	0	12,505	12,505	0	N	12,505
2008F	C	12,505	0	0	0	12,505	12,505	0	N	12,505
2007F	C	12,505	0	0	0	12,505	12,505	0	N	12,505
2006F	C	12,505	0	0	0	12,505	12,505	0	N	12,505
2005F	C	12,505	0	0	0	12,505	12,505	0	N	12,505
2004F	C	12,505	0	0	0	12,505	12,505	0	N	12,505
2003F	C	12,505	0	0	0	12,505	12,505	0		12,505
2002F	C	12,505	0	0	0	12,505	12,505	0		12,505
2001F	C	12,505	0	0	0	12,505	12,505	0		12,505
2000F	C	12,505	0	0	0	12,505	12,505	0		12,505
1999F	C	12,505	0	0	0	12,505	12,505	0		12,505
1998F	C	12,505	0	0	0	12,505	12,505	0		12,505
1997F	C	12,505	0	0	0	12,505	12,505	0		12,505
1996F	C	12,505	0	0	0	12,505	12,505	0		12,505
1995F	C	12,505	0	0	0	12,505	12,505	0		12,505
1994F	C	12,505	0	0	0	12,505	12,505	0		12,505
1993F	C	12,505	0	0	0	12,505	12,505	0		12,505
1992F	C	12,505	0	0	0	12,505	12,505	0		12,505
1991F	C	12,505	0	0	0	12,505	12,505	0		12,505
1990F	C	12,505	0	0	0	12,505	12,505	0		12,505
1989F	C	12,505	0	0	0	12,505	12,505	0		12,505
1988F	C	12,505	0	0	0	12,505	12,505	0		12,505
1987F	C	21,719	0	0	0	21,719	21,719	0		21,719
1986F	C	46,719	0	0	0	46,719	46,719	25,000		21,719
1985F	C	46,719	0	0	0	46,719	46,719	25,000		21,719
1984F	C	46,719	0	0	0	46,719	46,719	25,000		21,719
1983F	C	46,719	0	0	0	46,719	46,719	25,000		21,719
1982F	C	46,719	0	0	0	46,719	46,719	25,000		21,719

**Legend**  
**Road Centerlines**  
**Water Names**  
**Parcels**  
**Shoreline**



PALMIS

Monroe County Property Appraiser  
 500 Whitehead Street  
 Key West, FL

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose.

Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and is not to be relied on for any other purpose.

Date Created: November 2, 2010

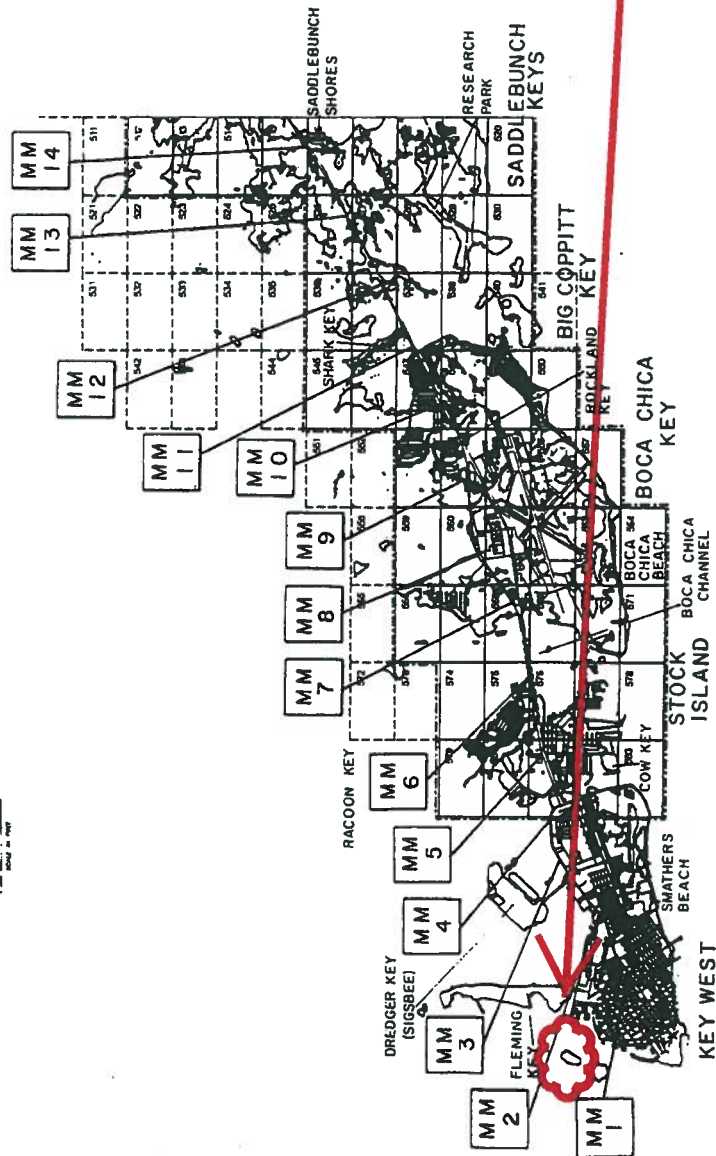
Location Map from Monroe County Property Appraiser







Note Wisteria is not located within the mapping area



**MONROE COUNTY, FLORIDA.  
LAND USE DISTRICT MAP**

**INDEX to VOLUME III - LOWER KEYS**  
2 of 2

34

**LEGEND:**

**BOUNDARY EXCLUDES MAPS WHICH  
HAVE NOT BEEN SUBMITTED TO  
VOLUME III.**

DATE	BY	NO.
1961	ADAMT	1
1962	ADAMT	2
1963	ADAMT	3
1964	ADAMT	4
1965	ADAMT	5
1966	ADAMT	6
1967	ADAMT	7
1968	ADAMT	8
1969	ADAMT	9
1970	ADAMT	10
1971	ADAMT	11
1972	ADAMT	12
1973	ADAMT	13
1974	ADAMT	14
1975	ADAMT	15
1976	ADAMT	16
1977	ADAMT	17
1978	ADAMT	18
1979	ADAMT	19
1980	ADAMT	20
1981	ADAMT	21
1982	ADAMT	22
1983	ADAMT	23
1984	ADAMT	24
1985	ADAMT	25
1986	ADAMT	26
1987	ADAMT	27
1988	ADAMT	28
1989	ADAMT	29
1990	ADAMT	30
1991	ADAMT	31
1992	ADAMT	32
1993	ADAMT	33
1994	ADAMT	34
1995	ADAMT	35
1996	ADAMT	36
1997	ADAMT	37
1998	ADAMT	38
1999	ADAMT	39
2000	ADAMT	40
2001	ADAMT	41
2002	ADAMT	42
2003	ADAMT	43
2004	ADAMT	44
2005	ADAMT	45
2006	ADAMT	46
2007	ADAMT	47
2008	ADAMT	48
2009	ADAMT	49
2010	ADAMT	50
2011	ADAMT	51
2012	ADAMT	52
2013	ADAMT	53
2014	ADAMT	54
2015	ADAMT	55
2016	ADAMT	56
2017	ADAMT	57
2018	ADAMT	58
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2074	ADAMT	114
2075	ADAMT	115
2076	ADAMT	116
2077	ADAMT	117
2078	ADAMT	118
2079	ADAMT	119



## HYDROGRA

1. This hydrographic survey was conducted from December 17, 2006 through December 19, 2006.

2. Elevations shown hereon are in tenths of a foot, referenced to the National Geodetic Vertical Datum of 1929 (NGVD).

3. Benchmark Reference: Found 5/8" Iron Rod with cap L 3.300' east of submerged wreck. Elevation = 2.54' ± 0.01'.

4. Equipment:

A) Soundings were obtained utilizing an Innerspace Technology, Model 456 - Dual Frequency, Survey grade fathometer.

B) Horizontal positioning was determined utilizing a Trimble AGPS 132 (Military Version), Real-time Differential, The Differential Global Positioning System (DGPS) corrections were obtained from the National Geodetic Reference Station (CORS), Navigation Beacon "KYW 1".

5. The horizontal coordinates shown hereon are based on the Florida State Plane Coordinate System (Transverse Meridian, North American Datum of 1983).

6. Tidal reductions were made from observations at a Tide Staff established off the south shore of the island (defined, referenced to NGVD 29, Elevation = 3.82' (Top of Staff), with readings taken every 10 minutes).

7. Contours shown hereon are in one-foot increments.

8. Information depicted on this chart represents the results of the survey on the dates indicated and is considered to be accurate as shown.

Conditions during that epoch of time.

1. Reproductions of this sketch are not valid unless sealed with an embossed Surveyor's seal.  
2. No title opinion or abstract to the subject property has been provided. It is possible that there are deeds, easements, or unrecorded, which may affect the subject property. No search of the public records has been made by the title company.  
3. The land description shown hereon was provided by the client.  
4. No underground improvements were located.  
5. ABBREVATIONS: APPROX. = Approximate, ELEV. = Benchmark, CALC. = Calculated, ELEV. = Elevation, I.R. = Iron Rod, L.B. = Low Water, N.G.V.D. = National Geodetic Vertical Datum, P.O.B. = Point of Beginning, P.O.C. = Point of Commencement, P.P. = Right-Of-Way, T.I.F. = Trustees Of The Internal Improvement Of Florida, W./W. = With, P. = Per Plan; D. = Delta Any

6. Bearings shown hereon are referenced to Grid North, relative to the 1990 Adjustment of the North American Datum of 1983 (NAD 83) Transverse Mercator System (Transverse Mercator Projection), East Zone, with the Northerly line of T.L.F. Deed 15-2-10.
7. GPS Survey Measurements taken February 14, 1994 (LD 1994045). Receivers used: 3 + Trimble 4000 ST Control-Proc Version 7.1, Least-Squares Geodetic Adjustment Software Used: Trimble VERSION 91.010
8. Measurements meet or exceed Standards And Specifications For Using GPS, GPS Relative Positioning Techniques For Surveying
9. The final free (Minimally Constrained) adjustment is composed of 6 vectors
10. The fixed (Constrained) adjustment is based on NAD 83 (1990 Adjustment) fixed horizontal control values of the following:
11. Network Station: **Weymouth**
12. Coordinates shown hereon are relative to the North American Datum of 1983 (1990 Adjustment).
13. ABBREVIATIONS: GPS = Global Positioning System, N.A.D. = North American Datum, N.G.S. = National Geodetic Survey, NAD 83 = North American Datum of 1983, NAD 83 (1990 Adjustment)
14. Prepared on January 22, 2007 by Consulting Engineering & Sciences, Inc. 22798 Overseas Highway, Suite 200, Naples, FL 34109-4600

The updated Topographic Survey was updated on January 25, 2007.  
 15. Some spot levels were omitted for greater clarity.  
 16. Elevations shown herein are based on the National Geodetic Vertical Datum of 1929  
 17. Elevation Descriptions  
 1. N.G.S. Station "BAYOU", Standard U.S.C.G. disk stamped: "BAYOU 1954", - Elevation = 429 feet (N.G.V.D. 2)  
 2. N.G.S. Station "TIDAL BENCHMARK No. 24", Standard U.S.C.G. disk stamped: "TIDAL# 24", - Elevation = 6.44  
 3. N.G.S. Station "BATTERY 231", Standard U.S.C.G. disk stamped: "BC BATTERY 231 (1943)", - Elevation = 8  
 4. A benchmark on the island was established by trigonometric leveling utilizing reciprocal vertical angles and confirmed accuracy of 0.02 feet.  
 18. ABBREVIATIONS: N.G.V.D. = National Geodetic Vertical Datum, U.S.C.G. = United States Coast & Geodetic Survey

FROM APPROXIMATE MEAN HIGH WATER

04-13-06 PERIMETER = 3,945 FEET ±. AREA = 929,875 SQUARE FEET (21.35 ACRES) ±

THIS SURVEY IS NOT A MEAN HIGH WATER SURVEY AS DEFINED IN CHAPTER 177, PART 2



PER FREDERICK H. HILDEBRANDT  
3150 Northside Drive, Suite 101  
Key West, FL 33040  
(305) 293-0466

25.04686 Ac.

LEGAL DESCRIPTION:

A parcel of Bay Bottom Land and Spoil Area northwest of the Island of Key West, Florida, and more particularly described as follows:

COMMENCING at the northwesterly end of Simonton Street at the intersection of the southwesterly right-of-way line of Simonton Street and the waters of the Bay of Florida, run North 60° West for a distance of 2150 feet, more or less, to the POINT OF BEGINNING of the property hereinafter described. From said POINT OF BEGINNING, continue North 60° West for a distance of 1000 feet; then run North 30° East for a distance of 1700 feet; thence run South 60° East for a distance of 1000 feet; thence run South 30° West for a distance of 1700 feet back to the POINT OF BEGINNING.

AND

A tract of submerged land in the Bay of Florida in Township 67 South, Range 25 East, lying between the island of Key West, Monroe County, Florida, being more particularly described as follows by metes and bounds, said description containing coordinates and grid bearing based upon the North American Datum of 1983:

COMMENCING at the northeast corner of land described in T.11F Deed No. 19974 and known as "Water Island," said point also being ( $-38.7, 459.04$ ) and ( $-86.3, 336.04$ ); thence from said POINT OF BEGINNING, South  $70^{\circ}00'00''$  East, 1,315 feet to a point of curve, said point also being ( $-38.8, 116.54$ ) and ( $-87.4, 74.87$ ); thence from said point of curve, South  $10^{\circ}00'00''$  East, 1,100 feet to a point of curve having a long chord bearing at N  $32^{\circ}47'59''$  West, a central angle at  $55^{\circ}00'$ , 3.310 feet, an arc distance of 3,177.38 feet to the end of said curve, said point also being ( $-38.9, 104.30$ ); thence from N  $32^{\circ}47'59''$  West, 1,953.43 feet to a point, said point also being ( $-38.9, 102.32$ ); thence from said point, South  $70^{\circ}00'00''$  East, 1,100 feet to a point, said point also being ( $-38.4, 793.27$ ) and ( $-88.3, 301.14$ ); thence from N  $72^{\circ}07'59''$  East, 1,100 feet, said point also being ( $-38.4, 884.48$ ) and ( $-88.1, 23.15$ ); thence from N  $62^{\circ}52'01''$  East, 700 feet to a point, said point also being ( $-38.5, 507.44$ ) and ( $-88.4, 42.39$ ); thence from said point of curve, run northerly along a circular arc having a radius of 400 feet, a central angle of  $90^{\circ}$  and a distance of 628.32 feet to the end of said curve; thence from said point of curve, run southeasterly along a circular arc having a radius of 400 feet, an arc distance of 628.32 feet to the end of said curve and the northwestern corner of 364.05 feet, an arc distance of 365.02 foot; and ( $-38.6, 60.72$ ) and ( $-87.8, 184.10$ ); thence from said point at curve, run southeasterly along a circular arc having a radius of 364.05 feet, an arc distance of 365.02 feet; and ( $-38.6, 593.01$ ) and ( $-86.8, 336.05$ ); thence from said point, South  $70^{\circ}00'00''$  East, along the northerly line of said land described in T.11F Deed No. 19974, a distance of 1,000 feet to the next point of beginning.

	TE	BY	CK
INTEL			

**HYDROGRAPHIC--  
TOPOGRAPHIC  
SURVEY**  
WISTERIA ISLAND  
(Christmas Tree Island)  
MONROE COUNTY, FLORIDA.







**Wisteria FLUM Designation Application – 300 Foot Radius Owner Li**

123960  
FEB CORP  
P O BOX 2455  
KEY WEST, FL 33040

123950  
FEB CORP  
PO BOX 2455  
KEY WEST, FL 33041-2455

**Authorization Form**

I, ROGER M. BERNSTEIN, Director, F.E.B. Corp – A Florida Corporation,  
Please Print Name of Director

authorize Trepanier & Associates, Inc. – A Florida Corporation, to be the representative for this

Future Land Use Map Designation Application and act on F.E.B. Corps behalf with regard to this

issue.

  
Signature of Director – F.E.B. Corp

Subscribed and sworn to (or affirmed) before me on November 1, 2009 (date) by

ROGER M. BERNSTEIN  
Please Print Name of Affiant

He is personally known to me or has presented \_\_\_\_\_ X \_\_\_\_\_

as identification.

  
Notary's Signature and Seal

NOTARY PUBLIC-STATE OF FLORIDA  
Vania E. Salgar  
Commission # DD873380  
Expires: APR. 09, 2013  
BONDED THRU ATLANTIC BONDING CO., INC.

VANIA E. SALGAR Name of Acknowledger printed or stamped

NOTARY PUBLIC Title or Rank

DD 873380 Commission Number, if any

## Wisteria - FLUM Designation

### Narrative

---

**EXISTING FUTURE LAND USE DESIGNATION:** No Current FLUM Designation

**PROPOSED FUTURE LAND USE DESIGNATION:** Mixed Use Commercial ("MC")

**PROPERTY OWNER(S):** FEB Corp  
P.O. Box 2455  
Key West, FL 33040-2455

**AGENT:** Trepanier & Associates, Inc.  
P.O. Box 2155  
Key West, FL 33405-2155

**Key:** Wisteria

**Size:** Approx. 22 acres

**Real Estate Numbers:** 00123950-000000 & 00123960-000000

**Location Brief:**

Wisteria is located within the Key West Harbor adjacent to Key West's Mallory Square, Sunset Key, and the Navy's Fleming Key Facility (also home to Key West's advanced waste water treatment plant).

Wisteria is not located in the Coastal Barrier Resource Area ("CBRA").



**Existing uses:**

Wisteria is man-made spoil created in the late 1800's as a dumping ground for abandoned vessels and dredging material. Notwithstanding the owners' attempts to prevent it, the property has continued to serve as an illegal dumping ground. The property has long been used for the related upland activities associated with the illegally moored vessels surrounding the property. Boat repairs, cleaning, bottom painting, dumping of trash and debris, dog walking, cooking, camping, etc. Squatters have also long inhabited the property resulting in an extensive history of criminal activity.

### Existing Habitat:

This property is approximately 22 acres and also includes an adjacent bay bottom ownership. The habitats on the property are by definition disturbed since it was artificially created. Exotic vegetation dominates the property; however, portions of the property include jurisdictional wetlands that include native vegetation.

### Neighboring Land Uses and Character:

The adjacent FLUM designations are the Key West designations since there is no other nearby County lands. Historic Planned Redevelopment and Development ("HPRD") and Historic Residential Commercial Core ("HRCC") districts permit and promote mixed use, high density residential and vibrant tourist activities.

Adjacent FLUM	Intent to Encourage	Density/ Intensity	
		Units/ Acre	F.A.R. <sup>1</sup>
HPRD	<ul style="list-style-type: none"> <li>Mixed Use Development</li> <li>Architectural and urban design amenities consistent with Old Town Key West</li> <li>Retain/ Enhance public shoreline access</li> <li>Encourage Public-Private Partnerships</li> </ul>	16-22	1.00
HRCC	<ul style="list-style-type: none"> <li>Mixed Use Development</li> <li>Intensely vibrant tourist commercial entertainment center characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations</li> </ul>	22	1.00

### LAND USE HISTORY

#### Current and Pre-1997 FLUM Designation:

Wisteria does not have a FLUM designation. The current FLUM (Map 8) was adopted in January 1997. Map 8 shows all County jurisdictional land was designated a future land use at that time, with the exception of Wisteria<sup>2</sup>. Map 8 clearly shows Wisteria within the County's jurisdiction but neglected to designate its future land use category.

#### Changes to neighboring Parcels since 1986

In 1987 the military stopped using the adjacent property, then colloquially known as "Tank Island", for military purposes and sold it. The island was purchased, annexed by the City and zoned Historic Planned Development/ Redevelopment ("HPRD"). It was later developed in a mixed use manner with residential, transient, and commercial retail.

<sup>1</sup> "Floor Area Ratio"

<sup>2</sup> Please see Appendix A

Prior to 1993 the adjacent areas of Key West consisted of two mixed use zoning districts: Commercial Historic Preservation District ("HP-2") and Planned Redevelopment District ("PRD"). After 1993 the zoning of each was changed to HRCC and HPRD respectively. They continued to be mixed use districts each with a 22 unit per acre density and an FAR of 1.0.

## **ANALYSIS AND RATIONALE FOR DESIGNATION**

### **1. Compatibility with Adjacent Land Uses and Effects on Community Character:**

**Land Uses:** As demonstrated above the adjacent land uses are higher density mixed uses consisting of vibrant tourist-oriented uses in combination with residential.

**Density/ Intensity:** The adjacent densities and intensities range from 16-22 units per acre, with a floor area ratio of 1.00.

**Community Character:** The property is located within the State of Florida-designated Port of Key West<sup>3</sup>. The community character is one of intensely vibrant tourist commercial entertainment center characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; transient residential accommodations, and permanent residential. This is a port-oriented area with heavy industrial, office, commercial retail, residential, public lodging, beaches, docks, wharfs and boat ramps.

The harbor area consists of commercial, recreational, industrial, military and live aboard vessels moored, transiting, and working in the surrounding waters.

### **2. Local Use Compatibility**

An MC FLUM designation is the most compatible FLUM the County has to bring this property into a compatibility with the surrounding land uses and community character. The MC shares the most similar uses with the HRCC-1 and the HPRD. The purpose of MC is to provide for the establishment of mixed use development with permitted densities and intensities that are consistent with the community character and the natural environment.

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<sup>3</sup> f.s. 403.021

### Comparison of Existing Adjacent & Proposed FLUM Designations

Adjacent FLUM	Intent to Encourage	Density/ Intensity	
		Units/ Acre	F.A.R.
HPRD	<ul style="list-style-type: none"> <li>Mixed Use Development</li> <li>Architectural and urban design amenities consistent with Old Town Key West</li> <li>Retain/ Enhance public shoreline access</li> <li>Encourage Public-Private Partnerships</li> </ul>	16-22	1.00
HRCC-1	<ul style="list-style-type: none"> <li>Mixed Use Development</li> <li>Intensely vibrant tourist commercial entertainment center characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations</li> </ul>	22	1.00
MC	<ul style="list-style-type: none"> <li>Mixed Use Development</li> <li>Various Residential and Nonresidential Uses</li> <li>Densities and Intensities Consistent with Community Character and the Natural Environment</li> </ul>	1-6	0.10-0.45

#### 3. Density and Intensity

The permitted densities and intensities for MC are 1-6 units per acre and an FAR of 0.1-0.45. The density and intensity of the surrounding land uses, HRCC-1 and HPRD both allow 22 units per acre and 1.00 FAR. While the permitted uses of the MC are very compatible with the surrounding land uses, the permitted densities and intensities allowed by the proposed designation are significantly lower than that of the surrounding land uses.

FLUM	Density/ Intensity	
	Units/ Acre	F.A.R.
HPRD	16-22	1.00
HRCC-1	22	1.00
MC	1-6	0.10-0.45

#### 4. Local Traffic and Parking

All traffic on Wisteria would, by necessity, be bicycle, club car, or service vehicle. All vehicular parking associated with wisteria will occur on the mainland.

#### 5. Traffic Circulation

All traffic on Wisteria would, by necessity, be bicycle, club car, or service vehicle. All vehicular parking associated with wisteria will occur on the mainland. Upland traffic will be a closed system by its very nature, with the exception of service vehicles ferried to and fro. Service/ ferry dockage will be based on the mainland.

## 6. Effects on Natural Resources:

Wisteria is man-made spoil that is approximately 22 acres in total area above mean high water. An additional 125 ac of deeded submerged lands lies adjacent to Wisteria. A total of four habitat types occur on Wisteria: disturbed uplands with exotic vegetation present (740.5); disturbed salt marsh buttonwood wetlands (740.3); disturbed mangrove communities (740.2); and, the shoreline interface (Table 1, Figure 1).

Table 1. Habitat types on Wisteria exclusive of submerged lands. Habitat types were delineated based on field reconnaissance, and habitat areas were calculated using ARCGIS mapping software.

Habitat Type	Acres	Comments
Disturbed Uplands w. Exotics (740.5)	18.59	Occurs on higher elevations over most of the property, invasive exotic vegetation predominates
Disturbed Salt Marsh Buttonwood Wetlands (740.3)	1.32	Occurs along the shoreline towards the northeastern end of property, and in two isolated interior areas
Disturbed Mangrove Wetland (740.2)	1.44	Western side - tidally influenced
Shoreline (altered)	NA	Approx. 4,000 linear feet of shoreline consisting of loose lime rock and fine sediments
Total Area	~22 acres	

Disturbed lands are defined by Monroe County as “*lands that manifest signs of environmental disturbance which have had an observable effect on the structure and function of the natural community which existed on the site prior to the disturbance*” (Monroe County Comprehensive Plan, Volume II, Section 9.5-4, D-14). Using this definition, all habitats on Wisteria are functionally disturbed, although a further categorization of disturbed habitat types is appropriate based on the predominance of vegetative cover.

Disturbed uplands are the predominant habitat, occurring at all higher elevations (> 2.5 NGVD). The vegetation on these disturbed uplands is mainly invasive exotic pest plants, with Australian pine (*Casuarina* spp.) being the most common species. Seaside mahoe (*Thespesia populnea*), Brazilian pepper (*Schinus terebinthifolius*) and bowstring hemp (*Sansevieria hyacinthoides*) are also common invasive exotic plants on upland areas. Native plants are common throughout the understory vegetation, and include seagrape (*Coccoloba uvifera*), buttonwood (*Conocarpus erectus*), bay cedar (*Suriana maritima*), and black torch (*Erithalis fruticosa*).

Disturbed salt marsh wetlands occur at lower elevations and occur along the perimeter, mostly towards the eastern side. Vegetation in the salt marsh community includes buttonwood in the over-story with an under-story of



herbaceous wetland plants including saltwort (*Batis maritima*) and glasswort (*Salicornia spp.*) and sea purslane (*Sesuvium portulacastrum*).

The mangrove wetlands are found in two areas: a large area on the western side; and a smaller isolated patch located on the northern portion. The larger area of mangroves is subject to regular tidal inundation over the southern portion, and is vegetated primarily with red mangroves (*Rhizophora mangle*). At higher elevations, scattered black (*Avicennia germinans*) and white (*Laguncularia racemosa*) mangroves are present. The smaller mangrove wetland is isolated from tidal influence, and is vegetated mainly with black mangroves. This smaller isolated mangrove wetland has a reduced ecological functionality due to the small size and tidal isolation relative to the larger mangrove area.

The shoreline of Wisteria is approximately 4,000 linear feet, and consists of loosely aggregated lime rock and fine sediments that form a narrow artificial beach over most of the perimeter. The vegetation along the shoreline is a mixture of invasive exotic and native vegetation. The transition from the shoreline to the adjacent upland vegetation is abrupt with the exception of the low, flat beach area on the eastern side.

### ***Potential Impacts of Development to Natural Resources***

Development on Wisteria is regulated by the environmental standards of the Land Development Regulations (Table 2). These regulations ensure that natural resource protection receives high priority under any development scenario, and that compensatory mitigation is required for unavoidable impacts to natural resources.

Table 2. Potential effects on natural resources resulting from development.

Habitat Type	Acres	Comments
Disturbed Uplands w. Exotics (740.5)	18.59	Potential utilization of up to 80% of disturbed upland area, limited impacts on protected native plants, mitigation required as per Sec. 9.5-346. <i>Mitigation standards and county environmental land management and restoration fund.</i>
Disturbed Salt Marsh Buttonwood Wetlands (740.3)	1.32	Potential utilization of to 80% of disturbed salt marsh wetland area, limited impacts on protected native plants, mitigation required as per Sec. 9.5-346. <i>Mitigation standards and county environmental land management and restoration fund.</i> In addition, permits from the U.S. Army Corps of Engineers and South Florida Water Management District will be required for any wetland impacts, with additional mitigation requirements specific to wetland impacts.



Habitat Type	Acres	Comments
Disturbed Mangrove Wetland (740.2)	1.44	Mangrove wetlands have no open space, meaning development is highly restricted. All structures developed, used or occupied on land classified as mangroves, wetlands or submerged lands (all types and all levels of quality) shall be designed, located and constructed such that only docks and docking facilities, boat ramps, walkways, water access walkways, water observation platforms, boat shelters, non-enclosed gazebos, riprap, seawalls, bulkheads, and utility pilings shall be permitted on or over mangroves, wetlands, and submerged lands. Trimming and/or removal of mangroves shall meet Florida Department of Environmental Protection requirements. <b>(Sec. 9.5-348. Environmental design criteria for specific habitat types.)</b>
Shoreline (altered)	NA	The shoreline of Wisteria has been altered by the legal placement of fill material. Along open water shorelines not adjacent to manmade canals, channels, or basins, and which have been altered by the legal placement of fill, and where no mangrove fringe exists, principal structures shall be set back at least thirty (30) feet from the mean high water line, provided that native vegetation exists or is planted and maintained in a ten (10) foot width across the entire shoreline as approved by the county biologist, and is placed under conservation easement; otherwise the setback shall be fifty (50) feet as measured from the mean high water (MHW) line. <b>(Sec. 9.5-349. Shoreline setback).</b>
Submerged Lands (500)	125 +/-	Potential impacts to submerged adjacent lands include pile-supported docks and vessel moorings. All structures developed, used or occupied on land classified as submerged lands shall be designed, located and constructed such that only docks and docking facilities, boat ramps, walkways, water access walkways, water observation platforms, boat shelters, non-enclosed gazebos, riprap, seawalls, bulkheads, and utility pilings shall be permitted on or over submerged lands. <b>(Sec. 9.5-348. Environmental design criteria for specific habitat types.)</b>

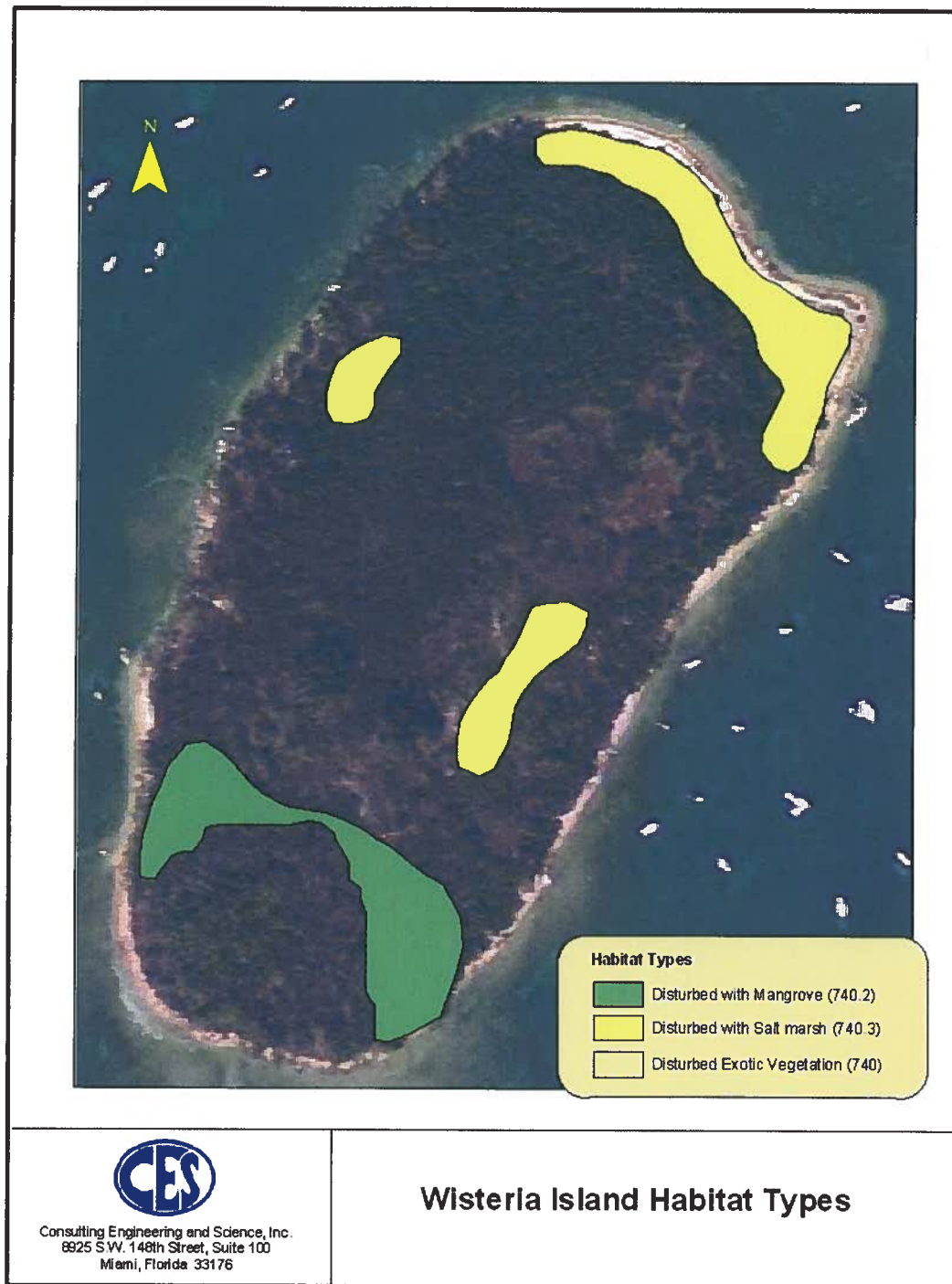


Figure 1. Habitat Types, Wisteria, Monroe County, Florida.

**Changed Projections Pursuant to MCC Sec. 101-3 and 101-4:**

The projections upon which the map was based have changed due to the recognition that this piece of privately owned land within the County's only federally recognized deep water Port and urban area was neglected during the mapping process and has no FLUM designation as a result.

**Changed Assumptions Regarding Demographic Needs Pursuant to MCC Sec. 102-158(d)(5)(2)**

NA - No changed assumptions.

**Data or Mapping errors Pursuant to MCC Sec. 102-158(d)(5)(3):**

A mapping error occurred when the current FLUM maps were created. As depicted in the attached FLUM map for this area<sup>4</sup>, Wisteria is the only property in unincorporated Monroe County missing a FLUM designation on this map panel.

It is clearly an oversight considering all other land on this panel is FLUM'd with various designations. Even the very "insignificant" publicly lands and mangrove islands located far from US 1 contain various FLUM designations, but this significant piece of privately owned land adjacent and within very intense are of land use was neglected to be FLUM'd.

**New Issues Pursuant to MCC Sec. 102-158(d)(5)(4):**

The subject property has been associated with an urbanized deep water port since it was created in association with the port in the 1800's. The adjacent property, also artificially created, was used by the US military up until 1987 when it was sold. The property was converted from military land use designation to a mixed use designation in 1993. Thus, the closest property to the subject property has undergone a significant change in actual land use and land use designation creating a significant new issue pursuant to MCC Sec. 102-158(d)(5)(4).

**Recognition of a Need for Additional Detail of Comprehensiveness Pursuant to MCC102-158(d)(5)(5):**

There is an obvious need for additional detail and comprehensiveness on the existing FLUM Panel No. 8 based on the fact that this significant piece of privately owned land was overlooked in the last mapping process. The error is evident by the fact that all other lands located in unincorporated Monroe County on Panel No. 8 are variously FLUM'd regardless of their significance relative to US1, Habitat value, size, area of upland, etc.

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<sup>4</sup> Please see appendix A

**Data Updates Pursuant to MCC 102-158(d)(5)(6):**

As mentioned above, the fact that this property has no FLUM designation requires a data update to the existing FLUM Panel No. 8.

**No Negative Impact Pursuant to MCC102-158:**

No negative impacts have been identified as a result of the proposed FLUM designation. The designation itself effects no changes on the ground. However, as a result of the change, uses can occur which all will require best management practices to be employed for storm water management, near shore water quality protections, invasive exotic eradication, landscaping and vegetative buffering, wetland protection, solid waste and sewerage handling.

**Conclusion**

Wisteria is the only parcel of land located in the area of unincorporated Monroe depicted on FLUM Panel No. 8, which lacks a FLUM designation.

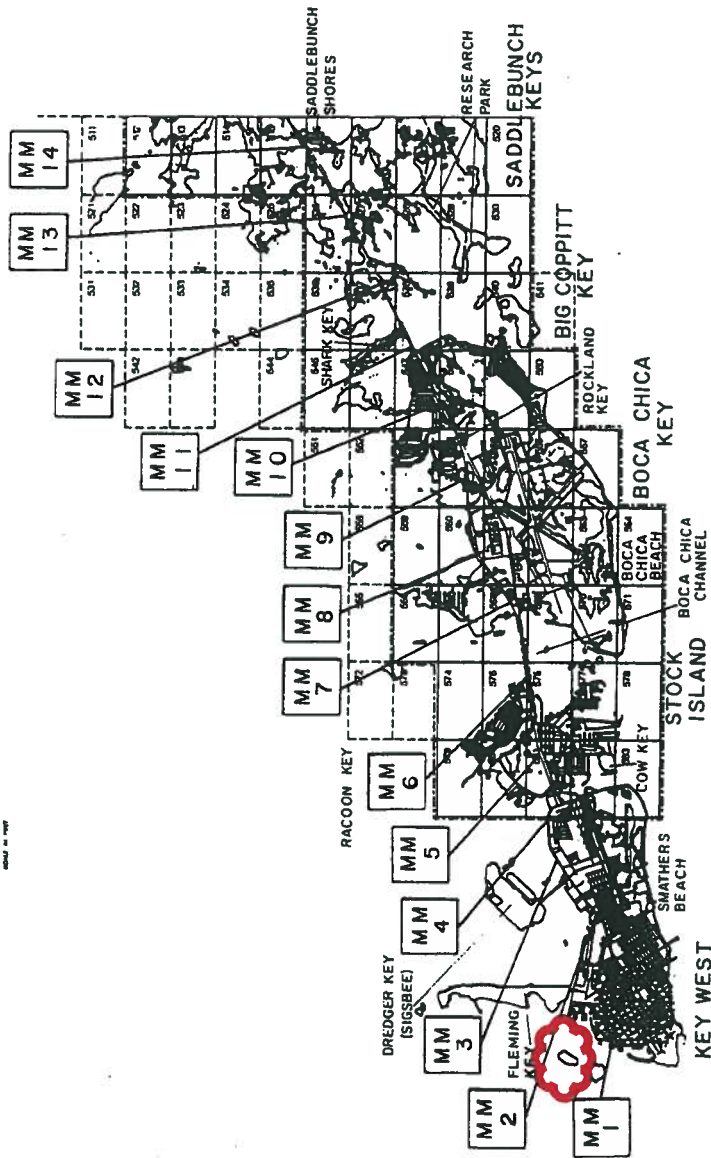
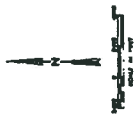
The character of the surrounding land uses is high density, high intensity mixed use including commercial retail, transient and permanent residential, maritime-related uses, and vibrant tourist related uses. The impacts associated with the proposed designation can be accommodated on site and/ or by the existing infrastructure currently located on the surrounding properties. The surrounding FLUM designations are high density/ intensity urban mixed use FLUM designations. Because FLUM designations must be compatible with the exiting adjacent land use fabric, a mixed use FLUM is the most appropriate FLUM for this subject property.

**Appendices:**

<u>Document</u>	<u>Appendix</u>
FLUM Panel 8.....	A
Zoning Map Index – Lower Keys.....	B
Concurrency Analysis.....	C







MONROE COUNTY, FLORIDA,  
LAND USE DISTRICT MAP

FROM	TO TELETYPE
OR	FOR
APPRO	

# INDEX to VOLUME III - LOWER KEYS

2 of 2

## LEGEND:

BOUNDARY EXCLUDES MAPS WHICH  
HAVE NOT BEEN SUBMITTED TO  
VOLUME III.

THIS MAP WAS PREPARED BY THE MONROE COUNTY PLANNING AND ZONING DEPARTMENT. THE BOUNDARY EXCLUDES MAPS WHICH HAVE NOT BEEN SUBMITTED TO VOLUME III. THE BOUNDARY EXCLUDES MAPS WHICH HAVE NOT BEEN SUBMITTED TO VOLUME III. THE BOUNDARY EXCLUDES MAPS WHICH HAVE NOT BEEN SUBMITTED TO VOLUME III.

## Appendix C

### Concurrency Analysis

This Concurrency Management Analysis was performed to understand the effects of the proposed Future Land Use Map Designation of Wisteria. The proposed designation is compatible with, yet significantly less intense than, the existing surrounding land uses. This analysis follows the requirements and standards set forth in Objective 1401.4.5 in of the Monroe County Comprehensive Plan and Section 114.1 of the Land Development Regulations. All areas of concurrency are addressed for potential impacts. Specific levels of service (LOS) issues have been analyzed.

The property is unique in the respect that Wisteria does not have a FLUM designation. Given its lack of current designation we are unable to run comparative analyses and instead employed a Hypothetical Maximum Impact Analysis. The approach focused primarily on mooring field impacts (but did not ignore other potential development) and considered the development limiting effects of Code Sections such as Sec.130-156. We then weighted the capacities calculated using the hypothetical maximum impact analysis with functional occupancies and maximum occupancies (where appropriate) and then calculated potential system capacities to determine concurrency.

The County's 2010 Comprehensive Plan Objective 1401.4.5 is the appropriate concurrency model to follow since it directs the County to ensure that facilities and services needed to support development are available concurrent with the impacts of new development. Objective 1401.4.5 states:

*Monroe County hereby adopts a Concurrency Management System to ensure that facilities and services needed to support development are available concurrent with the impact of development. The Concurrency Management System shall ensure that the County shall issue no development order or permit which results in a reduction in the level of service (LOS) below the adopted LOS standards referenced in Policy 1401.4.1 for those public facilities that are subject to the system. The guidelines established in Policies 1401.4.6, 1401.4.7, 1401.4.8, 1401.4.9, and 1401.4.10 shall ensure that concurrency is successfully implemented.*

The issues requiring concurrency analysis according to the Monroe County Comprehensive Plan are as follows:

1. Traffic Circulation
2. Potable Water
3. Solid Waste
4. Sanitary Sewer
5. Drainage
6. Recreation & Open Space

The analysis below found that the proposed development for Wisteria meets the concurrency requirements mandated by the County's Comprehensive Plan. This analysis uses the existing development potential as a baseline.

# 1. Traffic Circulation – Policy 301.1.1

*"For all County roads, Monroe County hereby adopts a minimum peak hour level of service (LOS) standard of D, based on the Florida Department of Transportation (FDOT) methodology for determination of LOS, as measured by peak hour traffic volume. The County shall maintain the level of service on County roads within five percent (5%) of LOS D. [9J-5.007(3)(c)]"*

For the purposes of trip generation estimates, we based our assumption on the closest categories to Mooring Field and categories matching our hypothetical maximum impact analysis. We then weighted the ITE numbers to represent the nearly closed system Wisteria represents.

The weighting system used reflects the occupancy approach itemized in the table below and internal trips using available knowledge and experience from the adjacent Sunset Key.

Based on these figures additional infrastructure is not required to maintain the minimum Level of Service (LOS) permitted (Level D).

Trip Generation	ITE # Land Use Classification	Amount	Trip Rate	Total Weighted Vehicle Trips per Day
<b>Residential</b>				
Single Family	Residential Planned Unit Development (ITE Class No. 270)	23.0	7.5	36.2
Moorings	NA - no similar ITE Classification	52.2	3.2	9.9
Employee Housing	Apartment (ITE Class No. 220)	5.0	6.7	16.8
Residential Total				46.1
<b>Non-Residential</b>				
Restaurant	Quality Restaurant (ITE Class No. 931)	4,000.0	90.0	179.9
Pool Bar	Drinking Place (ITE Class No. 936)	1,600.0	11.3	4.5
Harbor Master (acres)	Marina (ITE Class No. 420)	0.1	20.9	1.7
Non Residential Total				186.1
<b>Total Residential &amp; Non-Residential Trips Off Wisteria Per Day</b>				<b>232.2</b>



Table 2

Data Sheets<sup>1</sup>:

Population based on Occupancy				
Use	No. of Units	People/ Unit	Occupancy rate	Total population
SF	23	2.4	0.7	38.6
Moorings Private	57	1.5	0.3	25.7
Public	59	1.5	0.3	26.6
Population Total				90.8

Population - Maximum				
Use	No. of Units	People/ Unit	Occupancy rate	Total population
SF	23.0	2.4	1.0	55.9
Moorings Private	57.0	1.5	1.0	85.5
Public	59.0	1.5	1.0	88.5
Population Total				229.9

Trip Generation	ITE # Land Use Classification	Amount	Trip Rate	Total Weighted Vehicle Trips per Day
<b>Residential</b>				
Single Family	Residential Planned Unit Development (ITE Class No. 270)	23.0	7.5	36.2
Moorings	NA - no similar ITE Classification	52.2	3.2	9.9
Employee Housing	Apartment (ITE Class No. 220)	5.0	6.7	16.8
Residential Total				46.1
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Harbor Master (acres)	Marina (ITE Class No. 420)	0.1	20.9	1.7
Non Residential Total				186.1
<b>Total Residential &amp; Non-Residential Trips</b>				<b>232.2</b>

Table 3

<sup>1</sup> Data Sheet assumptions on last page

## 2. Potable Water – Policy 701.1.1

"Sufficient potable water from an approved and permitted source shall be available to satisfy the projected water needs of the proposed development or use. Approved and permitted sources shall include cisterns, wells, FKAA distribution systems, individual water condensation systems, and any other system that complies with state standards for potable water<sup>2</sup>."

**Potable Water:** Policy 701.1.1 of the County Comp Plan sets the level of service for residential potable water at 66.5 gal/capita/day and nonresidential at 0.35 gal/sq.ft./day.

When calculating the potential potable water needs, we used the maximum occupancy, however unlikely, based on the philosophy that if Wisteria is at capacity for even one day sometime in the future, the potable water infrastructure should have the capacity to meet the maximum need.

### **Total Potential Capacity Required: 17,934 gal/day**

#### i) Potential Capacity Required (residential): 6,051.5 gal

The total capacity required for the residential use with 91 people<sup>3</sup> is:  
 $66.5 \text{ gal/capita/day} \times 91 \text{ people} = 6,051.5 \text{ gal/day}$

#### ii) Potential Capacity Required (non-residential): 11,882.5 gal

The total capacity required for the nonresidential use on 33,950 sq. ft. is:  
 $0.35 \text{ gal/sq. ft./day} \times 33,950 \text{ sq. ft.} = 11,882.5 \text{ gal/day}$

The proposed map designation potentially results in a daily potable water usage of 17,934 gal/day<sup>4</sup>.

Appropriate cistern capacity will be required to accommodate the above volumes.<sup>5</sup>

## 3. Solid Waste – 801.1

*"Monroe County shall ensure that solid waste collection service and disposal capacity is available to serve development at the adopted level of service standards, concurrent with the impacts of such development. [9]-5.011(2)(b)2]"*

<sup>2</sup> Monroe County Code of Ordinances, Sec. 114-2(a)(3)

<sup>3</sup> Population based on Occupancy analysis using US Census, Tourist Development Council, City of Key West Garrison Bight Marina, and City of Marathon Boot Key Harbor

<sup>4</sup> See Table 1 in attachments

<sup>5</sup> Should access rights be obtained, connection will be made to municipal sewer, aqueduct potable water, and KES electrical supply.

Policy 801.1.1 sets the level of service for residential solid waste disposal at 5.44 lb/capita/day.

When calculating the potential impacts of the FLUM designation on solid waste we again applied the Hypothetical Maximum Impact, weighted by occupancy. Solid waste system will be collected manually on Wisteria, and will be removed via existing licensed waste haulers. The normal levels of solid waste generation and handling will be at levels predicted by functional occupancy rates, not maximum capacity. On those exceptional days where occupancy is higher than normal, the waste hauler is extremely experienced and responds accordingly. The occupancy levels were predicted using

- i) Potential Capacity Required (based on occupancy): **495.04 lbs/day**
  - a. The total capacity required for the residential use of 91 people is:  
 $5.44 \text{ lbs/capita/day} \times 91 \text{ people} = 495.04 \text{ lbs/day}$

The proposed map designation potentially results in a daily solid waste capacity need of 495.04 lbs/day. Waste Management has more than enough capacity to handle this increase.<sup>6</sup>

#### **4. Sanitary Sewer – Policy 901.1.1**

##### **Policy 901.1.1**

Monroe County shall ensure that at a time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities are available to support the development at the adopted level of service standards, concurrent with the impacts of such development. [9J-5.011(2)(c)2]

Permanent Level of Service Standards:

- (A) The permanent level of service standards for wastewater treatment in Monroe County are as provided in House Bill 1993 adopted by the 1999 Legislature.

According to HB1993 passed by the Florida Legislature in 1999, all onsite sewer treatment facilities must be engineered and approved to accommodate the level of service demanded by a proposed development as required in the statute.

#### **5. Drainage – 1001.1**

##### **Policy 1001.1.1**

Monroe County shall ensure that at the time a development permit is issued, adequate storm water management facilities are available to

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<sup>6</sup> ibid

support the development at the adopted level of service standards concurrent with the impacts of such development. [9J-5.011(2)(b)1]

**Water Quality Level of Service Standards - Minimum Water Quality:**

All projects shall be designed so that the discharges will meet Florida State Water Quality Standards as set forth in Chapters 17-25 and 17-302, F.A.C., incorporated herein by reference. In addition, all projects shall include an additional 50% of the water quality treatment specified below, which shall be calculated by multiplying the volumes obtained in Section (a) by a factor of 1.5 , Retention/Detention Criteria (SFWMD Water Quality Criteria 3.2.2.2):

- a) Retention and/or detention in the overall system, including swales, lakes, canals, greenways, etc., shall be provided for one of the three following criteria or equivalent combinations thereof:
  - (1) Wet detention volume shall be provided for the first inch of runoff from the developed project, or the total runoff of 2.5 inches times the percentage of imperviousness, whichever is greater.
  - (2) Dry detention volume shall be provided equal to 75 percent of the above amount computed for wet detention.
  - (3) Retention volume shall be provided equal to 50 percent of the above amounts computed for wet detention.
- b) Infill residential development within improved residential areas or subdivisions existing prior to the adoption of this comprehensive plan must ensure that its post-development stormwater run-off will not contribute pollutants which will cause the runoff from the entire improved area or subdivision to degrade receiving water bodies and their water quality as stated above.
- c) New Development and Redevelopment projects which are exempt from the South Florida Water Management District permitting process shall also meet the requirements of Chapter 40-4 and 40E-40, F.A.C.

**6. Recreation & Open Space - Policy 1201.1.1**

**Policy 1201.1.1**

Monroe County hereby adopts the following level of service standards to achieve Objective 1201.1, and shall use these standards as the basis for determining recreation land and facility capacity:

**Level of Service Standards for Neighborhood and Community Parks:**

- 1) 0.82 acres per 1000 functional population of passive, resource-based neighborhood and community parks; and

- 2) 0.82 acres per 1000 functional population of activity-based neighborhood and community parks within each of the Upper Keys, Middle Keys, and Lower Keys subareas. [9J-5.014(3)(c)4]

**Recreational Level of Service Standards:**

Activity	Requirement	Monroe County Pop. (July 2008) <sup>7</sup>	Acres Required	Existing <sup>8</sup>	Complies
Passive Park	0.82 ac/ 1000 people	72, 243	59.24 ac	97.96 ac	Yes
Active Park	0.82 ac/ 1000 people	72,243	59.24 ac	97.96 ac	Yes

Table 1

As demonstrated by the chart above, the County has more than enough additional recreational capacity beyond the adopted level of service for recreational activities potentially required as a result of the proposed FLUM designation.

<sup>7</sup> From US Census Bureau estimate

<sup>8</sup> Based on "2008 Public Facilities Capacity Report" of Monroe County



**Population based on Occupancy**

Use	No. of Units	People/ Unit	Occupancy rate	Total population
SF	23	2.4	0.7	38.6
Moorings Private	57	1.5	0.3	25.7
Public	59	1.5	0.3	26.6
Population Total				90.9

Average owner-occupied household size in Key West, according to US Census (American Fact Finder)

Based on US Census data for city of Key West (2006)

Total "functional" population.

Based on occupancy information provided by the City of Key West Mooring Field and Boot Key Mooring field

**Population - Maximum**

Use	No. of Units	People/ Unit	Occupancy rate	Total population
SF	23.0	2.4	1.0	55.9
Moorings Private	57.0	1.5	1.0	85.5
Public	59.0	1.5	1.0	88.5
Population Total				229.9

Average owner-occupied household size in Key West, according to US Census (American Fact Finder)

Based on 100% Occupancy

Number assumes average of 1.5 occupants at a given time. Maximum of 28 days may be spent on public moorings.

Number assumes average of 1.5 occupants per mooring ball. Currently Boot Key and Garrison Bight experience on average only 30% occupancy of their mooring fields.

Number assumes average of 1.5 occupants at a given time. Liveabords are not permitted on state lands

Trip Generation	ITE # Land Use Classification	Amount	Trip	Vehicle Trips per Day
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**Residential**

Single Family	Residential Planned Unit Development (ITE Class No. 270)	23.0	7.5	36.2
Moorings	NA - no similar ITE Classification	52.2	3.2	9.9
Employee Housing	Apartment (ITE Class No. 220)	5.0	6.7	16.8
Residential Total				46.1

Number assumes average of 1.5 occupants per mooring ball. Currently Boot Key and Garrison Bight experience on average only 30% occupancy of their mooring fields.

Vehicles per mooring at both KW and the Marathon mooring fields is approximately 20%

Experience shows less than 30% of the residents of Sunset Key have a vehicle in association with their residence.

**Non-Residential**

Restaurant	Quality Restaurant (ITE Class No. 931)	4,000.0	90.0	179.9
Pool Bar	Drinking Place (ITE Class No. 936)	1,600.0	11.3	4.5
Harbor Master (acres)	Marina (ITE Class No. 420)	0.1	20.9	1.7
Non Residential Total				186.1
Total Residential & Non-Residential Trips				232.3

Given the closed system aspect of the property, we anticipate off island trips to be reduced by approximately 50%

Given the experience of Sunset Key, we can anticipate approximately 50% of the trips to be internal

Based on occupancy experience in the Key West and Marathon Mooring Fields.

Given experience at Sunset Key, we can anticipate approximately 75% of the trips to be internal.

